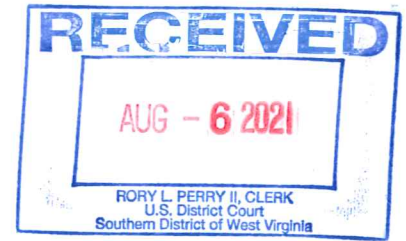


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION



UNITED STATES OF AMERICA

5:18-CR-00026-2

vs.

MARK T. RADCLIFFE

EVIDENCE REGARDING DEFENDANT MARK T. RADCLIFFE'S MOTION FOR RELEASE

Bond History

1. After my husband's conviction in 2017, he was assigned a probation officer, whose name I do not currently have but believe the court to have this information. This probation officer came to our home to inspect and to make sure we had no firearms or ammunition on our property. At that time he said it was fine to store all guns and ammunition at my daughter's house which is located behind our house across a field. At that time he also said it was fine for our sons to access the firearms as long as they were not around my husband. My husband specifically asked the probation officer if it was okay for our sons to keep their paintball markers since they often played paintball with their friends. He said that was fine.
2. At some point during his probation, Mark took my sons on a trip out of town. Due to all the trauma my sons had incurred from the death of our granddaughter, the death of our second oldest son, the loss of our business, and my husband's conviction (all in a two and a half year period), my son Caleb was concerned about me and his younger brother being home alone so he went to my daughter's house and got one of our handguns and brought it to me to keep in their absence. Since we were permitted access to the guns as long as Mark was not around, I told him I would keep it until they returned. I was sitting at my desk in my office when he brought it, so I put the gun in my desk drawer behind my files for safety reasons until I could return it to my daughter's house. I didn't want to leave it lying on my desk in case one of my grandchildren came to visit. Since I never use the gun, I totally forgot about it being in my desk drawer. When the raid took place at our house on March 7, 2017, one of the agents was checking our bedroom safe and came out angrily shaking an empty gun box at my husband asking where the gun was. My husband told him that all guns were at my daughter's house. When I saw the box, my heart sank as I remembered the gun in my desk drawer where some agents were currently located. I whispered to Mark that Caleb had brought me a gun when they went out of town and that I had forgotten to take the gun back to our daughter's

house. Mark immediately told the agent about the gun and where to find it in my office.¹ I told the agent what had happened and that Mark had no knowledge of it being there. It was totally my fault that the gun was there. I failed my husband. It was not his fault that the gun was in the house. I take responsibility for it. At the time it happened, I begged my husband's lawyer, Tom Rist, to call me as a witness at the hearing, but he caused Mark to be afraid for me by saying Monica Coleman would eat me alive. I should have insisted that I be called to testify to what had happened, but this was all so new to me, and I didn't know what to do. I thought the lawyer would do what was best in Mark's interest, but he did not. He scared away all witnesses in my husband's case which is why there were none at his trial.

3. The other instance with firearms was when my son checked them out to go shooting at our farm in Danese with his older brother. He had not yet returned the guns to my daughter's house when the agents showed up that morning. They were still in his locked truck when they arrived. Mark did not know they were in my son's truck.²
4. The newest issue was brought to my attention at Mark's first hearing on June 18, 2021. It was there that I found out that the probation officer, Mr. Gwinn, had reported that I had firearms and ammunition at my home when they came to inspect my home in March of 2020 when my son, Josh Radcliffe, was trying to get out on bond. I swear to you that there were no firearms in my house at that time. There were a few bullets that my son had missed in his room and a paintball marker, but there were no firearms. I request that Mr. Gwinn provide a serial number for the firearm if he insists there was one.³

At the bond hearing on June 18th, I didn't know what you were referring to when you said I had firearms in my house. I thought it was about the handgun incident in March of 2017. My husband later told me that you were referring to the hearing in March 2020 when the probation office came out to inspect my home for Josh's possible release. I asked Mark's lawyer for that order, and I told him that all they found that day was a paintball marker and a few bullets my son had missed. I read Judge Volk's order where it said that the probation officer had found firearms and ammunition due to what Mr. Gwinn had told him. I testify to you today that it was a paintball marker, and, as I said earlier, we were told that the boys could keep those so I never got them out of our house. Amy Richmond had been to our house a few times for Josh, and never once did she tell us to get the paintball markers out. Only when Mr. Gwinn came was this ever an issue.

5. Situation number 4 was why my daughter and her husband did not trust the probation office and would not sign the affidavits because the probation officer called a paintball marker a firearm and made you and Judge Volk think we still had firearms in our home. I could have explained that in the

¹ I know it was said that "they found the gun in Mark's office", but they did not. It was my office.

² I was trying to keep my sons' lives as normal as possible so I allowed them to go with their older brother to practice shooting like they always had done. I would never have allowed this had the probation officer not given us permission to use them as long as Mark was not around. We have since sold all of our guns so there will be no more gun incidents.

³ When Mr. Gwinn and Amy Richmond came to my house, they were checking my son's room very thoroughly. When I walked in the room, they were taking pictures of a few bullets they found and a paintball marker. I was shocked that they were taking pictures of the paintball marker. I asked what they were doing and stated that it was a paintball marker and would they inform the court that it was a paintball marker. Amy Richmond said she would note it.

courtroom had I been allowed to testify. The new probation officers who came recently to inspect for Mark's release explained why some probation officers do not allow paintball markers. I understand now, but we cannot know what each one requires unless they tell us. This time I removed anything that could be misconstrued as a firearm.

CONCLUSION

Your Honor, I plead with you to understand that all of this was new to us in 2017. We were not trying to deliberately disobey the rules. We were told we could still use the firearms as long as Mark was not around them. If we had been told to never take them out of my daughter's house as long as Mark was out on bond, then they would have never left her house. Mark and I never owned a gun for the first 31 years of our marriage. We were not gun people because of fear of children getting ahold of them. We only got handguns when my husband and adult sons were threatened with death threats and followed home by drug addicts who had been kicked out of the HOPE Clinic. We ended up buying others as our sons became interested in guns and wanted to hunt and collect them. Two of our three younger sons are in the military today because of that hobby. Also, up to this point, Mark nor I have ever had a criminal record. We have always sought to be law abiding citizens and raised our children to be.

I did forget the handgun in my desk, but I was honest with the agents. They had been in my office for over an hour and had not found it until I told Mark it was in there and where it was located, so maybe they would have eventually found it or maybe not, but I tried to do the right thing and tell them. Now it's being used against my husband and is the main reason he is being held in SRJ without bond. He cannot prepare for the upcoming trial in SRJ. Due to overcrowding, he does not even have a cell to keep his court documents in nor the ability to keep them away from inmates. His life has already been threatened by inmates who were former patients at HOPE Clinic. They recognized him because they were kicked out of HOPE Clinic, arrested for diverting their drugs to the community, or strip searched for track marks. He is not safe in there. My second oldest son died in SRJ.⁴ This is something Mark has to think about every day he is in there. SRJ is not fit for animals let alone humans. The atrocities that take place in there should not be tolerated in a nation as great as ours.⁵ I am ashamed that my country would allow human beings to live like the inmates are living at SRJ. My 64 year old husband is currently sleeping on the floor on a thin mat in the main pod because there are no cells available due to the

⁴ My son was severely beaten by 7 men and the jail administrator did nothing. He had been suicidal and eventually got a razor blade from a guard and cut himself. Someone else in there slit his arms very deep with something much larger than a razor blade. We believe he was food poisoned the night before because he was vomiting a lot after dinner the night before he died. The coroner will not give us a report without a lawyer. The lawyer I had dropped the case after almost a year of working on it and a month before the statute of limitations was up saying he could not take the case so I have never gotten the coroner's report.

⁵ My firstborn son, Josh Radcliffe, who had never broken the law, was put through hell in that place. It has changed him. He took a plea deal to get out of there because the atrocities were unbearable. Josh turned to drugs when his two year old daughter drowned in 2014 while they were on vacation in Florida. That is all he is guilty of-taking drugs to ease his pain. He could not deal with his two year old's death and the loss of his wife and 5 year old daughter. Although I do not agree with his method of coping, I am just thankful he is still alive. On top of all of this he has not been allowed to talk to his dad for almost 5 years.

overcrowded jail. He has had to beg men to let him use their commode and sink because he has none. He said it is filthy and has gone downhill since he was there in 2017. There are cells whose doors are missing hinges so they cannot even be shut.

As for my husband's character, he is a kind and generous man. He genuinely cares about others and follows the Golden Rule to do unto others as you would have them do unto you. Mark was a Major in the Air Force and only ever did his best at everything he put his hand to for the United States military. He always excelled in every company that he worked for and always sought to go above and beyond the call of duty in each one of them which brought him many awards in every company he worked for including Purdue Pharmaceuticals. He saw problems and sought to solve them as he did in the military. For that he received accolades and awards. He was their Golden Boy until he discovered they were breaking the law and confronted them. The leadership would not listen but kept blowing him off. Mark's current tribulations started after he became a whistle blower on Purdue Pharmaceuticals. He saw a crime being committed against federal and local governments and reported it. He should have been rewarded for looking out for the government, but instead, he has been persecuted and, I believe, prosecuted for it.

While working for Purdue, he saw that legitimate pain patients could not get the pain care they needed because of the addicts so he set out to solve the problem. Unfortunately, he stepped on the toes of the DEA and others. He has been framed not once but twice, and his technology, which was working, is now shut down and virtually destroyed. I pray the truth comes out soon. Mark is a 64 year old man who only ever worked to make our country better with everything he ever did. You and Judge Volk are my last hope for help and justice. Please allow my husband to be out on bond so that he can prepare for his upcoming trial. I can assure you that he will appear at that trial because he believes in his innocence and that of the doctors involved. He would not abandon them.

All of these tragedies are a lot for any one person to bear, yet my entire family deals with the pain of all of this every day. I am not looking for pity but mercy. My three younger sons have had to go through their teen years with their father absent. They long for some time with their dad before this trial begins.

As for me, I am not ambivalent as was stated by the probation officer in the order for my son, Joshua Radcliffe, regarding his bond. I never acted like I could not control my adult son, Caleb Radcliffe, residing in my home. When I saw the bullets, I explained that because he was an adult, I did not check his room but left it for him. Because he missed those bullets, this time I too checked all the rooms myself after my adult sons checked them. They did not, and would not, oppose that. Anyone who knows me knows that I am not ambivalent. I have strong values and morals which I adamantly stand for. All my children know this as does anyone who knows me. I did struggle with whether or not I could prevent my son Josh from accessing drugs since addicts have so many ways of getting them, even in jails and prisons, but as I said, I would have called his probation officer if I had found out that he had them.

Also in regards to our house, and its access and location, which were brought up in the hearing, we are situated in the middle of a neighborhood. We have neighbors all around us with some closer than others. I do have neighbors closer to me than the location of my daughter's house. We do have a paved

driveway that leads up to our home, and the house can be seen from the bottom of the driveway. I regret that it was made to seem ominous. It is not. Even the probation officers said it was beautiful and not like a compound at all which seemed to be implied by Monica Coleman at Mark's hearing when she said it was easily defensible.

I am sorry this history and conclusion is lengthy. I pray I have answered any questions that you may have had. I would be happy to answer any others that I may have overlooked. I have wanted to testify for Mark for many years now, but it seems every time I am supposed to testify something happens to prevent it. I felt the only way I would ever get a voice is to write what I know to be true and present it to you and request that Mark be allowed bond so that he can properly prepare for his trial. As I said, he will appear to defend what he worked so hard to build and what he so fervently believes in. Also Mark has never harmed anyone. He is not a danger to our community and has always strived to be a good citizen. Thank you for taking your valuable time to read this bond history and conclusion.

I certify that everything in this document is true and accurate to the best of my knowledge, memory, and ability.

Angela Radcliffe

A handwritten signature in black ink that reads "Angela Radcliffe". The script is cursive and fluid, with the first name "Angela" being more prominent than the last name "Radcliffe".

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